

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES
350 SOUTH 5TH STREET, ROOM 1-C, CITY HALL
MINNEAPOLIS, MN 55415

In the Matter of License No. L186-41096
CHIPOTLE MEXICAN GRILL
for LIQ ON-SALE E W/SS SERIES 1000

**FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS**

Held by:
CHIPOTLE MEXICAN GRILL OF COLORADO LLC
800 WASHINGTON AVE SE
MINNEAPOLIS, MN 55414

11-0876372

This matter came before the Division of Licenses and Consumer Services at a Licensing Settlement Conference on Tuesday, October 4, 2011 in Room 1C, Minneapolis City Hall. Appearing on behalf of the Licensee was Ronald Fortier; Assistant Manager for Licensee. Appearing for the City were Grant Wilson; Manager of Licenses and Consumer Services, Lt. Chris Hildreth; Police License Investigative Division, Sgt. Rolf Markstrom; Police License Investigative Division, and Michele Olds; License Inspector. Based on information presented at the Conference, the Division makes the following findings of fact, conclusions, and recommendations:

FINDINGS OF FACT

1. Chipotle has held an On-Sale Liquor License with Sunday Sales, Class E, at this location since 1998.
2. The Minneapolis Police Department License Investigative Division conducts youth alcohol compliance checks in an effort to assure retail-alcohol license holders are not serving alcohol to persons under the age of 21.
3. On June 30, 2011 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at Chipotle Mexican Grill, located at 800 Washington Av SE, in the City of Minneapolis. A 20 year old female and a 20 year old male were sent into the business in an attempt to purchase alcohol. The shoppers walked up to the register, and the server working the register asked the shoppers for their orders. Each of the shoppers ordered a bottle of Corona. The server asked both shoppers for ID. After looking at the IDs, the server refused to serve the female shopper, but he did serve a Corona to the male shopper. 2 plain clothes Minneapolis Police Officers were standing approximately 15 feet away from the shoppers and observed the above transaction. The male shopper paid for the beer, picked it up and handed it off to the officers. The transaction was completed, and the business was considered to have failed the

compliance check. As a result of the compliance check failure, an administrative citation was issued to Chipotle Mexican Grill in the amount of \$500.00 as detailed in a City Council Resolution. Chipotle has paid the \$500.00 administrative fine.

4. On August 30, 2011 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance re-check at Chipotle Mexican Grill, pursuant to the above compliance check failure. A 20 year old female was sent into the business in an attempt to purchase alcohol. The shopper walked up to the register, and the server working the register asked the shopper for her order. The shopper ordered a bottled of Corona from the server. The server asked the shopper for ID. After checking the ID, the server provided the shopper a bottle of Corona. 2 plain clothes Minneapolis Police Officers were seated approximately 15 feet away from the shopper and observed the transaction. The shoppers paid for the Corona, picked it up and handed it off to the officers. The transaction was completed, and the business was considered to have failed the compliance re-check. This constituted the second youth alcohol compliance check failure for Chipotle Mexican Grill within a 24 month period. As a result of the second compliance check failure, an administrative citation was issued to Chipotle Mexican Grill in the amount of \$1000.00 as detailed in a City Council Resolution. Chipotle has paid the \$1000.00 administrative fine.
5. From the first compliance check failure on June 30, 2011, criminal charges against the server, for Furnishing Alcohol to a Person Under 21, are pending. Criminal charges against the server are also pending as a result of the August 30, 2011 compliance re-check failure.

CONCLUSIONS

1. On two separate occasions, employees of Chipotle Mexican Grill sold alcohol to persons under the age of 21, in violation of Minneapolis City Ordinance 370.10, Minnesota Statute 340A.503 subd. 2(1), and the established compliance check policy and procedures of the City of Minneapolis. These compliance failures all occurred in a period of less than 24 months.
2. The licensee has paid the \$500.00 administrative fine related to the first above stated compliance check failure. The licensee has also paid the \$1000.00 administrative fine related to the second above stated compliance check failure.

RECOMMENDATIONS

That the On-Sale Liquor License, with Sunday Sales, Class E, issued to Chipotle shall be subject to the following conditions and adverse license action:

1. Chipotle shall arrange alcohol server training by an outside vendor three (3) times during the year following this agreement for those employees with alcohol sales responsibilities. Chipotle shall retain documentation of this training.
2. Chipotle shall set up one Minneapolis Police Department alcohol server training within two (2) months following the approval of this agreement by City Council.

3. In lieu of a suspension the City shall impose a \$1500 sanction. \$1000 shall be stayed for a period of one year from the signing of this agreement. The licensee shall pay \$500 of this sanction due at the time of signing this agreement.

Chipotle Mexican Grill understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility. A minimum standard shall be met in order to hold such a license. One minimum standard is that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances, and regulations. It is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any stayed penalties. It is further understood that compliance with the above Recommendations is a requirement for continuing to hold a license and that failure to comply with any of these conditions may result in additional adverse license action.

I have read and understand the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.

Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:

For Chipotle Mexican Grill of Colorado LLC

d/b/a Chipotle Mexican Grill

By: [Signature]
Montgomery Moran
LLC Manager

Date: 1/9/2012

For the City of Minneapolis:

By: [Signature] 1-12-12
Grant Wilson
Manager
Licenses & Consumer Services

Date: 1-12-12